NORTH CENTRAL REGIONAL TRANSIT DISTRICT
BOARD MEETING AGENDA
(Revised 11/28/11)

December 2, 2011
1:00 PM- 4:00 PM
Buffalo Thunder Resort
Pojoaque, NM

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. ROLL CALL
4. INTRODUCTIONS
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES for *November 4, 2011*
7. PUBLIC COMMENTS

PRESENTATION ITEMS:

A. **Presentation to Honor Board Director and NCRTD Secretary and Treasurer Michael Wismer:** *Sponsors*: Rosemary Romero, NCRTD Chair and Anthony J. Mortillaro, NCRTD Executive Director.

B. **Presentation of Recognition and Appreciation for Retiring NCRTD Staff Member Jack Valencia:** *Sponsors*: Rosemary Romero, NCRTD Chair and Anthony J. Mortillaro, NCRTD Executive Director.

ACTION ITEMS FOR APPROVAL/ DISCUSSION:

C. **Approval of Resolution 2011-14: Open Meetings Act for 2012.** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director. *Attachment*

D. **Approval of Resolution 2011-15: Resolution for the Renewal of Free Fares for 2012:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Linda Trujillo, NCRTD Service Development Manager. *Attachment*

E. **Approval of Resolution 2011-16: Requesting the Rio Metro Regional Transit District to Provide a Board Seat to the North Central Regional Transit District:** *Sponsor:* Anthony J. Mortillaro, NCRTD Executive Director. *Attachment*

F. **Discussion of New Membership Interests, Direction and Possible Board Actions:** *Sponsor:* Anthony J. Mortillaro, NCRTD Executive Director. *Attachment*

DISCUSSION ITEMS:

G. **Update of the Jim West Regional Transit Center:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Mitch Davenport, Project Manager for the Jim West Transit Center

H. **Financial Report:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and Kelly Muniz, NCRTD Financial Manager. *Attachments*
- Regional Transit GRT
- Combined P-L Format
- Status of the FY 2011 Audit

I. **Finance/Regional Coordination & Consolidation Subcommittee Report:** *Sponsors:* Finance Subcommittee Chairman Jacob Caldwell and Anthony J. Mortillaro, NCRTD Executive Director. From October 28, 2011 meeting. *Attachment*

J. **Executive Report for November 2011 and Comments from the Executive Director:** *Sponsors:* Anthony J. Mortillaro, NCRTD Executive Director and NCRTD Staff. *Attachment*

1. Request for Submittal of Letter to Los Alamos County Regarding the Progress Through Partnering Program

MATTERS FROM THE CHAIRWOMAN
- Appointment for Secretary/Treasurer for the NCRTD Board of Directors
- Appointments for Chairpersons of the NCRTD Tribal and Finance Subcommittees

MATTERS FROM THE BOARD

MISCELLANEOUS

NEXT BOARD MEETING: January 6, 2011 at 1:00 pm

ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language Interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-438-3257 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

North Central Regional Transit District
Board Meeting
Friday, November 4, 2011

CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date by Chair Rosemary Romero at 9:16 a.m. at the Buffalo Thunder Resort, Pojoaque, New Mexico.

1. **Pledge of Allegiance**

2. **Moment of Silence**

3. **Roll Call**

Roll call indicated the presence of a quorum as follows:

Members Present:	**Elected Members**	**Alternate Designees**
Los Alamos County	Councilor Michael Wismer	Ms. Anne Laurent
Taos County		Mr. Jacob Caldwell [T]
Santa Fé County		Commissioner Danny Mayfield
Rio Arriba County	Commissioner Barney Trujillo [later]	Mr. Tomás Campos [T]
Ohkay Owingeh		
Pojoaque Pueblo	Mr. Tim Vigil	
San Ildefonso Pueblo		Ms. Sandra Maes [T]
Santa Clara Pueblo		Ms. Mary Lou Quintana [T]
Tesuque Pueblo		Mr. Sammy Romero
City of Santa Fé	Councilor Rosemary Romero	Mr. Jon Bulthuis

City of Española	Councilor Robert J. Seeds	
Members Absent:	**Elected Members**	**Alternate Designees**
Los Alamos County		
Taos County	Commissioner Dan Barrone	
Rio Arriba County		
Santa Fé County	Commissioner Robert Anaya	
Pojoaque Pueblo		Councilman Cameron Martínez
San Ildefonso Pueblo	Councilman Raymond Martínez	
Ohkay Owingeh	1st Lt. Gov. Virgil Cata	Ms. Kateri Keevama
Santa Clara Pueblo	Sheriff John Shije	
Tesuque Pueblo	Governor Charles Dorame	
City of Santa Fé		
City of Española		Councilor Helen Kane-Salazar

Staff Members Present
Ms. Cynthia Halfar, Executive Assistant/HR Specialist
Ms. Kelly Muniz, Financial Manager
Mr. Anthony J. Mortillaro, Executive Director
Mr. Jack Valencia, Transit Project Manager
Mr. Peter Dwyer, Counsel for NCRTD
Ms. Annette Velarde, Public Information Officer
Mr. Ivan Guillen, Regional Operations Manager
Mr. Gus Martínez, Fleet Manager

Others Present
Councilor Geoff Rodgers, Los Alamos County
Ms. Ernestine Martínez, NMDOT
Ms. Marcy Eppler, NMDOT
Mr. David Harris, NMDOT [telephonically]
Mr. Greg White, NMDOT [telephonically]
Ms. Penny Ellis-Green, Santa Fé County [telephonically]
Ms. Judith Amer, City of Santa Fe
Ms. Whitney Jones, Rio Grande Sun
Ron Horsely, member of the public

4. Introductions

Those present introduced themselves. Chair Romero welcomed new Board member, Councilor Geoff Rodgers from Los Alamos. Councilor Rodgers had his son Jason with him and he was welcomed also.

5. **Approval of Agenda**

Councilor Wismer moved to approve the agenda as presented. Commissioner Mayfield seconded the motion and it passed by unanimous voice vote.

6. **Approval of Minutes for October 14, 2011**

Councilor Wismer moved to approve the minutes of October 14, 2011 as presented. Mr. Vigil seconded the motion and it passed by unanimous voice vote.

ACTION ITEMS FOR APPROVAL/DISCUSSION:

A. Approval of Resolution 2011-09: Adoption of the Adjusted NCRTD Pay Plan for FY 2012

Chair Romero introduced the resolution and indicated there were not many changes. Page 2 was the recommendation.

Mr. Mortillaro reminded the Board that the pay plan that the Board adopted originally had a 3% raise step and the Board approved in August a 1.5% spread to stay on the step methodology so there would be 21 steps.

There were no questions about the resolution.

Mr. Vigil moved to approve Resolution 2011-09. Chair Romero seconded the motion.

Councilor Seeds noted that the Board seemed to always talk about salaries at each meeting so they needed to get this done so it didn't need to be brought up at more meetings.

Mr. Mortillaro agreed. He explained that this action was just to align the steps with the Board's action in August. In January the Board would discuss the financial strategy and consider a recommendation to the Board on the long term financial plan which would be undertaken by a task force.

Chair Romero named those who were on the long range task force that included the new City of Santa Fé Finance Director and the Los Alamos Finance Director.

Commissioner Mayfield asked for clarification whether staff members had to have a probation period.

Mr. Mortillaro explained that this resolution dealt only with a pay for performance plan. In it, unless an employee had been rated, he or she would not get an automatic step increase. It was an annual evaluation that occurred.

The motion to approve Resolution 2011-09 passed by unanimous voice vote.

B. Approval of Resolution 2011-10: Adoption of NCRTD Financial Policies

Chair Romero clarified that the Finance Committee had continued to refine these policies.

Mr. Mortillaro explained that in July 2011 he brought to the Board the draft of the financial policies. During the discussion a provision came up for Tribal grants and it was discussed in the Tribal Subcommittee and this would include their language on page 3 of 22 in the attachment that incorporated a change and page 5 that reflected the Tribal transit grant revisions in the policies.

Mr. Vigil had no comment on it but invited other tribal members to comment.

Mr. Mortillaro said those were the only changes made. He added that on page 4 there was a placeholder for the allocation methodology that the subcommittee was working on. When they finished, an amendment for the financial policy for allocations would be brought to the Board to consider incorporating that into the policy.

Councilor Wismer clarified that the Board had the allocation set for this year set (the Los Alamos County Plan) so a new methodology would happen for the future. Mr. Mortillaro agreed.

Councilor Wismer moved to approve Resolution 2011-10 as presented. Mr. Vigil seconded the motion and it passed by unanimous voice vote.

C. Authorization for the Executive Director to Purchase and Expend Funds from the State of Good Repair Grant

Mr. Mortillaro reminded members that the Board had approved permission to spend up to $1,000 as a policy.

Commissioner Mayfield asked if there was any way to negotiate with an RFP.

Mr. Valencia explained how their participation in the consortium enabled the agency to maximize their costs for purchase to achieve the lowest prices. The agency had been able to maximize the efforts of NMDOT and the consortium or take advantage of other FTA approved agreements with other states with already approved price agreements. That was how they had saved money and been able to acquire federally approved equipment.

Chair Romero added that because the NCRTD was relatively small, we have to use other agreements for price breaks.

Commissioner Mayfield understood and asked how many vendors they had for vehicles.

Mr. Martínez said they had three.

Commissioner Mayfield asked which one was the cheapest.

Mr. Martínez said it depended on what they were looking at.

Commissioner Mayfield asked how they knew what the best price was if they didn't go out for an RFP.

Mr. Valencia said it is like going to a luncheon where you have limited choices but with the national coalition they got to choose all options and could find the best arrangement in the country. That was the kind of flexibility attained in this consortium. By having the ability to choose from all, they had been able to maximize efficiencies and cost.

Chair Romero asked Mr. Bulthuis about the Santa Fé Trails policy.

Mr. Bulthuis said they used an RFP but it was a case-by-case basis.

Councilor Seeds commented that in a state price agreement contract it didn't matter what amount you bought - it was the same price.

Mr. Valencia said some of the agreements had a limited amount whereas this coalition didn't have the limit.

Councilor Seeds said with the financial crisis in the state they needed to stay within the limits.

Mr. Valencia said they could save thousands of dollars per bus with this coalition and he could demonstrate it to the Board.

Councilor Seeds said he needed to understand that so he could justify it.

Mr. Mortillaro said they could go out for RFP to find the best arrangement but this allowed further savings.

Commissioner Mayfield asked when the grant would expire.

Ms. Ernestine Martínez said it would expire in 2012.

Mr. Mortillaro clarified that these were prior actions. They ordered the replacement vehicles back in February 2011.

Mr. Valencia said it takes 100-180 days for the bus to be manufactured and that was why there was a lag in getting them into service.

Mr. Mortillaro said when they got authorization from the Board to apply for the grant it was also authorization to spend those funds. That wasn't clear when they got the authorization to apply. The approval to expend should have been done in February.

Councilor Seeds liked that and asked that it be done in the future.

Councilor Seeds moved to approve the request as presented. Chair Romero seconded the motion.

Ms. Amer asked what the request was specifically.

Mr. Mortillaro clarified that the bylaws said any expenditure over $100,000 needed board approval. On the second page in the documentation each of the two vehicles were below $100,000 but the invoice lumped them together and he didn't think it was wise to split that invoice on his own in order to not have to get board approval.

The motion to approve the request passed by majority voice vote with all members voting yes except Commissioner Mayfield who voted against.

Commissioner Trujillo arrived at this time.

Ms. Quintana was on the bridge.

D. Approval of Resolution 2011-11: NCRTD Vehicle Disposal

Mr. Gus Martínez said they received a notice from the Good Repair Grant that specified what needed to be done in replacement of vehicles regarding disposal of vehicles being replaced. He did some research and there was a web based public auction available in New Mexico with twenty some participants and it was specifically to dispose of federally funded vehicles in public auction.

Councilor Wismer moved to approve Resolution 2011-11 as presented. Commissioner Mayfield seconded the motion and it passed by unanimous voice vote.

E. Approval of Resolution 2011-12: Adoption of the Updated NCRTD Drug and Alcohol Policy

Mr. Mortillaro said the agency's drug and alcohol policy followed the Federal Register federal policy requirements.

Mr. Guillen explained that there had been some recent changes to the federal regulations and procedures and the policy attached was amended to follow those requirements. He pointed them out to the Board. The main change was on page 5 requiring observed testing by a person of the same gender when falsification of a UA was suspected. They also changed the cut off levels on drug use. The third change regarded screening. The Federal Register had the required changes listed.

Chair Romero noted that the NCRTD policy was more stringent that FTA requirements.

Councilor Seeds appreciated those regulations. He asked if there was any way to add more drugs to the list.

Mr. Dwyer said they could but cautioned that New Mexico had a strong civil liberty provision so whereas they could add it to the policy there was a states' rights issue to consider. Ephedrine was exempted by the federal policy, for instance.

Mr. Mortillaro said even with a prescription they could not drive a vehicle.

Councilor Seeds asked that staff look into that further. There were many people who relied on the ability of our driver to keep them safe.

Chair Romero said they could ask the task force to look at it further.

Mr. Vigil stated that Pojoaque Pueblo had a zero tolerance policy as did many other pueblos. He asked that Mr. Mortillaro talk with some of the pueblos about it.

Mr. Dwyer said that could be done but rather than making it the policy now, the feds reviewed this annually and might change it.

Councilor Seeds felt that doing it annually and not take forever to change it was important.

Chair Romero said they could do an addendum to it.

Councilor Seeds moved to approve Resolution 2011-12 as presented. Commissioner Trujillo seconded the motion.

Councilor Seeds requested that Mr. Vigil provide a copy of the Pojoaque Pueblo's policy and any others for the Board to review.

The motion to approve the resolution passed by unanimous voice vote.

F. Approval of the NCRTD Service Policy for Non-Profit Organizations

Mr. Mortillaro clarified that this policy was only for discussion and not for approval today. The Finance Committee discussed it at their meeting and the policy had a reduction in regular charter rates for a nonprofit entity. They looked at a 20% reduction and the Finance Committee suggested discussing it here for further elaboration.

One issue that arose was about the anti-donation clause and the other question was if the agency should remove the charges that accumulated when bus was sitting there waiting. His feeling was that doing so would be an appropriate reduction as well.

He also noted that once they occupied the new transit facility, it was a federally funded facility and federal regulations for charter service were very different than what the agency could do now. They couldn't use federal funds for this.

So the recommendation at this point was to revisit the whole charter policy in light of the new fed regulations that would apply once they occupied that building.

Mr. Dwyer said regarding the anti-donation clause that with a 501c3 organization, the prohibition didn't apply to federally funded activities. There was a two-tiered problem. Under state laws, you have to pass muster with anti-donation clause but at federal you don't. It was a complex situation.

Mr. Guillen said to date they had three requests for charters and none were from nonprofit

organizations.

Mr. Dwyer recalled when he was city attorney for Santa Fé there were vehicles given to nonprofit. He didn't think it was a violation of the clause but needed to make sure it was okay for NMDOT also.

Councilor Wismer asked if this would be brought back for action.

Mr. Mortillaro agreed - probably at the February meeting.

Councilor Wismer moved to table this item with time for analysis and that it be brought back no later than six months. Commissioner Trujillo seconded the motion.

Councilor Seeds asked for clarification in reference to use of the federally funded building.

Mr. Mortillaro said some of the vehicles were purchased with GRT funds and were not part of federal funding. But a number had been purchased with federal dollars.

The motion passed by majority voice vote with all voting in favor except Councilor Seeds who voted against.

G. Approval of Resolution 2011-13: The NCRTD Records Retention Policy

Mr. Mortillaro said they currently didn't have a records retention policy. This resolution recommended a schedule for retention.

Ms. Velarde briefly reviewed the policy proposed. Records included all documents including emails, etc. She went through the schedule. Real estate documents would be held for 25 years. Email was subject to IPRA - based on particular categories.

Mr. Dwyer felt the policy in general was okay but specifics were always subject to further discussion.

Councilor Seeds asked about taped phone calls.

Mr. Dwyer said that was very difficult, challenging and not simple. He reviewed the policy.

Mr. Vigil said he and Governor Dorame had a discussion with the AG office. Although he came across with his interpretation Mr. Vigil and Governor Dorame agreed with each other and disagreed with the AG about email. He explained that particularly when you are on a tribal computer the product was the property of the tribe and not the NCRTD and they would stick by that. With subpoenas, depending on the subject, the tribe might not honor the subpoena.

Mr. Dwyer agreed there was a discussion on the sovereignty issue. Under the New Mexico Records Act the NCRTD was in one category and the tribes in another. He said the agency would just have to do it on our end with our records and retain them for a certain period of time.

Councilor Seeds wanted to make sure everyone was aware of the tribal policy.

After further discussion, Chair Romero listed the options as either to approve the policy as proposed; secondly to reject the resolution or third, to table for further changes.

Mr. Vigil noted that insurance companies had in their policies "subject to tribal sovereignty rights."

Mr. Dwyer said they could add that to the policy on page 23.

Councilor Seeds moved to approve the resolution with the policy amended on page 23, first sentence to add "subject to tribal sovereignty rights." Councilor Wismer seconded the motion and it passed by unanimous voice vote.

H. Approval of the NCRTD Travel Policy

Mr. Mortillaro said this policy was to address reimbursable travel guidelines.

Chair Romero asked for comment.

Councilor Seeds said everyone wanted to ensure transparency because of the lack of money today. He thought there should be a week's notice on intent to use funds for travel and that anything that called for expenditure of money should be approved by the board.

Mr. Mortillaro pointed out that normally the CEO or City Manager would approve reimbursement for staff travel expenses. Any travel of a city councilor or commissioner would be approved by the board. That was what was embodied in this document.

Chair Romero summarized that any travel by board members or the Executive director would come to the Board for approval of reimbursements. Mr. Mortillaro's contract would cover the rest of staff.

Councilor Wismer understood Councilor Seeds' concern was to minimize travel costs to an absolute minimum and only when necessary for the operation of NCRTD. He proposed a statement that such travel must be absolutely necessary.

Commissioner Mayfield asked if they could list travel points that would be approved as a matter of course or with a P.O.

Mr. Mortillaro agreed but commented that he paid his travel agency 10%.

The Board briefly discussed sharing a vehicle on trips. Ms. Amer felt a small van might be preferable to having employees drive their own cars and suggested adding "when available" to the policy to give them a choice.

Chair Romero said reimbursement was restricted to district business and staff were encouraged to share when practical.

Ms. Muniz said very few people had requested reimbursement and they submitted odometer readings

when they made the request.

Councilor Wismer excused himself from the meeting at 11:00.

It was noted that the state had a per diem policy but the RTD did not have that in the policy.

Chair Romero noted the changes in the policy that she had noted.

Commissioner Mayfield asked about responsibility for paying speeding tickets in agency vehicles.

Mr. Mortillaro said that was a personal responsibility.

Chair Romero moved to approve the policy with those changes. Mr. Vigil seconded the motion and it passed by majority voice vote with all voting in favor except Councilor Seeds who voted against.

I. Presentation and Acceptance of the FY 2010 Audit

Chair Romero introduced Mr. Farley Vener who presented the 2010 Audit Summary. He apologized that he only had 20 minutes and offered to come back if needed.

Councilor Seeds asked if some findings had been resolved.

Chair Romero said there were a few we needed to focus on soon. Those were top on our list.

Mr. Vener said board members had his contact information and that needed to go through the board. He commended the board for having done a lot of hard work and said many findings would go away in the next audit.

Chair Romero applauded Ms. Muniz for her great job in getting things where they needed to be. She felt they were making good progress but not without blood, sweat and tears. There was still quite a bit of work to do.

Mr. Vener announced that the 2010 audit had been approved by the State Auditor and was released to the public.

Ms. Muniz said it was on the website.

Chair Romero moved to approve the audit report. Ms. Laurent seconded the motion and it passed by unanimous voice vote.

DISCUSSION ITEMS:

J. Update of the Jim West Regional Transit Center

Mr. Davenport provided the update with the latest information on the building. He read the list to the board. They now had modifications based upon the secondary soil report. The contractor was trying to implement the design. Presently they could not compact the base course on top of that soil.

The parking area modifications cost $176,000 and the bus terminal area cost $102,000. He quoted the new total prices to the board including the construction of Silkey Way.

Currently, the good news was that they were exploring some alternatives that might solve the problem and cost less money. There were a lot of complications.

His recommendation was that the board allow him to continue that exploration. If the alternatives didn't work out, the Board would understand the type of design coming their way. One possibility was taking out a service contract but in any case, the soils situation was not good.

Councilor Seeds reminded them that the city was a swamp and had been built up a little over time. It was ridiculous to assume they would eliminate those problems on the property. The center was higher than Walmart but the water table was high. They needed to do something before the winter months.

Chair Romero noted that Mr. Romero had expertise in this area and asked for his opinion.

Mr. Romero said there was a composition of several layers that was best to do. He thought they could get compaction of 80% with it. He advised not to use a French drain with pumps that would need to be maintained constantly. Eventually they would require replacement. They had to bite the bullet to find the design that best works. The best resolution was to put in more compaction material. They would always have that flotation issue.

Mr. Davenport said if they could accept the idea that they wouldn't solve the water table problem then they could go with a less extensive design and maintain it but at less cost.

Mr. Romero agreed. Looking to the engineering part, they could make the expansion joints that would work. They needed to have drainage away from the parking area.

K. Final Budget for FY 2011

Ms. Muniz summarized the final budget for FY 2011. $10.3 million was the approved budget and they received more revenue that was approved.

She went over the categories and provided the percentages spent in administration, operating and capital which overall was 86.4% of budget.

Ending cash reserves totaled $2.7 million from a beginning balance of $1.47 million. This was mostly due to extra GRT revenue.

Commissioner Mayfield asked about penalties and interest.

Ms. Muniz explained that was a new line item she created when she first came in. There were some

late payments for taxes and unemployment and IRS. She wanted to track it separately and was trying to play catch up.

Chair Romero said they were complying with the government standards with their new accounting software which was called Sage MIP.

Ms. Muniz said the software was specific to grant tracking.

Chair Romero added that they only had one person doing it before and now had the resources needed to do the job properly. This was a newer updated version for the board.

L. Audit Results for FY 2010 and Status of FY 2011 Audit

Ms. Muniz said Mr. Vener went over it with her. The Field Work was done and they would soon set the date for the exit conference and submit it to the State Auditor.

M. Budget and Expenditure Report for FY 2012

Ms. Muniz said they were just now receiving July and August GRT. July was shown but not August.

They had 8% revenues and spent 22% and were 25% into the budget year.

Mr. Mortillaro added that they were current with reserve requirements that were set by board policy.

N. Finance/Regional Coordination & Consolidation Subcommittee Report

Mr. Mortillaro said the report from August was in the packet. There was a lot of their activity shown in the actions they considered.

O. Executive Report for August, September and October 2011 and Comments from the Executive Director

Mr. Mortillaro said that report was in the packet. He provided copies of the 2010 annual report to the Board. He thanked Ms. Velarde for the report.

Mr. Mortillaro commented on the Rail Runner. Currently they had an agreement with Rail Metro and the RTD distributed 50% of the Santa Fé GRT to the Rail Runner. They had been asked to explore a seat on the Rio Metro Board. When they entered the agreement they specifically decided not to seek membership on the board but now he would like to see if they could get a seat on it. Since the RTD was giving them almost $2 million they should have some representation there.

Mr. Dwyer recalled that decision to not have a seat was made on the basis of avoiding liability. He believed they didn't need to have a seat for that reason.

Chair Romero said the City of Santa Fé wanted to be at that table. The MPO has a resolution to do so. We want to work for opportunities.

Mr. Mortillaro said he sat on the long range task force for Rail Runner. The services to Santa Fé County and City and to some degree the NCRTD increased tourism and connectivity so it did have an impact on the RTD.

Commissioner Mayfield asked if there could be a resolution at the next meeting.

Mr. Mortillaro agreed that would be appropriate.

Chair Romero encouraged the Board to keep the conversation going and maybe have a resolution next time.

PUBLIC COMMENT

Mr. Ron Horsley presented a petition for adding south Ojo Caliente to the bus route. His contact information was on the petition.

Chair Romero thanked him for his interest and the RTD would consider the petition.

MATTERS FROM THE BOARD

There were no matters from the Board.

MISCELLANEOUS

There were no miscellaneous items.

NEXT MEETING

The next meeting was scheduled for December 2, 2011 at a place to be determined.

Councilor Seeds favored moving the meeting to 1 p.m. due to wintertime conditions.

Chair Romero agreed that safety was an important consideration but hoped they could meet earlier than 1:00 since it was tough to go to back at 4 or 5 pm with Los Alamos traffic.

Councilor Seeds disagreed.

Chair Romero polled the other members and they were open to the 1:00 time but really had no preferences.

Chair Romero agreed to 1:00 on December 2.

Commissioner Mayfield reported that he spoke with the Governor of Nambe Pueblo for interest in NCRTD. He felt specifically on highway 76 they needed to make the stops more accessible to people.

Mr. Romero said their Lt Governor, Mr. Arnold Garcia was a good contact.

Councilor Seeds asked about the additional route request.

Mr. Mortillaro said it needed to come back to the Board.

Mr. Mortillaro noted that ridership was at an all time high again this month.

ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

Approved by:

_____
Rosemary Romero, Chair

Attest:

_____
Michael Wismer, Secretary

Submitted by:

_____
Carl Boaz, Stenographer

Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: December 2, 2010

Agenda Item # C

Title: Resolution 2011-14: Open Meetings Act for 2012

Prepared By: Anthony J. Mortillaro, Executive Director and Cynthia Halfar, Executive Assistant/HR Specialist

Summary: This is a resolution to adopt the annual policy for regular board meetings for 2012. Included in the resolution are stipulations for time, location, dates, subject matter, and requirements for notices for all regular Board meetings as well as for "special" or "emergency" Board meetings. These requirements are according to the provisions of New Mexico's "Open Meetings Act". Although not required by the Open Meetings Act, this Resolution also complies with requirements of the Americans with Disabilities Act. Specifically, this Resolution requires that information helpful to individuals with disabilities be included in the notice of public meetings.

Resolution 2011-14 specifically states the provisions for public notices in order to accommodate the public's attendance at NCRTD Board meetings or at any meeting of a quorum by the Board.

Please note that all regular scheduled meetings of the Board are on the first Friday of each month with the exception of the April 2012 date. The date for that month will be scheduled for the second Friday, April 13th, instead of April 6th, which falls on Good Friday.

Background: New Mexico state statute requires the policy on an annual basis.

Recommended Action: It is recommended that the Board adopt Resolution 2011 -14.

Options/Alternatives: N/A

Fiscal Impact: None

Attachments: Resolution 2011-14

North Central Regional Transit District (NCRTD)

Resolution 2011-14

OPEN MEETINGS ACT

WHEREAS: Section 10-15-1 (B), NMSA 1978 Provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, including the development of personnel policies, rules regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act"; and,

WHEREAS: Section 10-15-3 (A), NMSA 1978 Provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1"; and,

WHEREAS: Section 10-15-4, NMSA 1978 Provides that "Any person violating any of the provisions of NMSA 1978, Section 10-15-1or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more that five hundred dollars ($500) for each offense."

NOW, THEREFORE, BE IT RESOLVED by the governing body of the NCRTD, that:

1. Notice shall be given at least 72 hours in advance of any regular meeting of a quorum of the members of the governing body and the agenda will be posted at least twenty four (24) hours prior to the meeting.

2. The regularly scheduled meetings of the governing body will be held on the first Friday of each month. Meetings from June through November will meet at 9:00 am. Meetings from December through May will meet at 1:00 pm. Location of Board meetings will be at the site of one of our members, designated one month in advance by the NCRTD Board and published on the agenda. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and /or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and /or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be posted as provided in this Resolution. The following are the projected dates of the regular meetings for the Calendar 2012:

January 6, 2012	February 3, 2012	March 2, 2012
April 13, 2011*	May 4, 2012	June 1, 2012
July 6, 2012	August 3, 2012	September 7, 2012
October 5, 2012	November 2, 2012	December 7, 2012

3. Notice shall be given at least twenty four (24) hours in advance of any special meeting of a quorum of the members of the governing body, Board, committee, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

4. All meetings of the NCRTD Board and Committees of the NCRTD Board shall be conducted pursuant to the procedural rules as adopted and from time to time amended by the NCRTD Board.

5. The notice requirements of Sections 1, 2 and 4 of this Resolution are compiled with notice of the date, time, place and subject matter of any regular or special meeting. "Giving of notice" shall mean posting of the resolution on the "notice board" located at the NCRTD Administration Offices at all times. The Resolution shall also be made available in the office of the NCRTD Secretary who shall maintain the posting for public inspection within the time limits specified.

In addition to the information specified above, all notices shall include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language, interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-438-3257 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats."

6. Notwithstanding any other provisions of Sections 1 through 5 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

7. A meeting or portion thereof may be closed in accordance with provisions contained in NMSA 1978, Section 10-15-1 (H) of the Open Meetings Act.

8. Notwithstanding any other provision of sections 1 through 6 of this Resolution, the governing body of the NCRTD may call, with whatever notice is possible under the circumstances, a meeting of the governing body, any board, commission, committee or other policy-making body of the District to consider or act on any emergency matter which appears to pose clear and immediate danger to the health, welfare or safety of the inhabitants of the District encompassed by the NCRTD.

9. As the District encompasses a large geographical area with board and committee membership spread over this large region, its membership may participate in a meeting by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT ON THIS 2nd DAY OF DECEMBER 2011

_____
Rosemary Romero, Chairwoman

Approved as to form:

_____
Peter Dwyer, Counsel

Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: December 2, 2011

Agenda Item # D

Title: Resolution 2011-15: Providing for the Continuation of Resolution 2010-09 to Eliminate Fares for all Fixed Routes and Paratransit up to Three Fourths of a Mile from Fixed Routes.

Prepared By: Linda Trujillo, Service Development Manager

Summary: This resolution will continue a fare free policy for the NCRTD on fixed routes and Para transit up to three fourths of a mile from fixed routes operated by the NCRTD.

Background: The first resolution for free fares (2008-04) was adopted by the NCRTD board on May 9, 2008, and continued by resolutions 2008-16, 2009-06, and 2010-09. This resolution will continue free fares until December 31, 2013. Retaining free fares on fixed routes will eliminate the necessity for capital investment in fare box collection equipment of approximately $38,836.00 with annual administrative and collection costs of $37,388.00. It will allow for continued high ridership, driver focus on safety, and routes running in a timely manner.

Fare-free transit brings many benefits, some of which include:

1. A barrier-free transportation option to *every* member of the community (no more worries about exact change, expiring transfers, or embarrassment about how to pay);
2. Eliminating a "toll" from a mode of transportation that we as a society want to be used (transit is often the only way of getting around that charges a toll);
3. Reducing the inequity between the subsidies given to private motorized vehicle users and public transport users;
4. Reducing, and in some cases eliminating, the need for private motorized vehicle parking;
5. Reducing greenhouse gas emissions, other air pollutants, noise pollution, and run-off

of toxic chemicals into fresh water supplies and ocean environments;
6. Reducing overall consumption of oil and gasoline;
7. Eliminating the perceived need to spend billions on roads and highways;
8. Contributing significantly to the local economy by keeping our money in our communities;
9. Allowing all bus doors to be used to load passengers, making service faster and more efficient;
10. Allowing operators (drivers) to focus on driving safely;
11. Giving operators more time to answer questions;
12. Providing operators a safer work environment since fare disputes are eliminated;
13. Eliminating fare evasion and the criminalization of transit-using citizens;
14. Fostering more public pride in shared, community resources.

Recommended Action: It is recommended that the Board move for passage of Resolution 2011 - 15

Options/Alternatives: As an option the Board may consider establishing a fare policy, and direct staff to return with various options regarding fares and the timeline for public hearings to solicit public comment and the implementation of acquisition of capital investment and staffing.

Fiscal Impact: It is estimated that the cost for equipment is approximately $38,836.00, with an ongoing cost of approximately $37,388.00 for staff to pull boxes daily, count money, and make daily deposits.

Attachments:

1. Resolution 2011-15
2. Cost breakdown spreadsheet

Fare Box Purchase and Installation

Main Fare Box

M4 - Fare Box			
Unit Price	$606.00		$21,816.00
Second Vault	$237.00		$8,532.00
Mounting Stand	$126.00		$4,536.00
shipping	$32.00		$1,152.00
Total	$1,001.00	each	$36,036.00

Presently 36 vehicles need fare boxes

Total	$36,036.00	
	$2,800.00	estimated installation charge
	$38,836.00	

Diamond Fare Box

Model D Fare Box			
Unit Price	$1,035.00		$37,260.00
Second Vault	$430.00		$15,480.00
Mounting Stand	$134.00		$4,824.00
Shipping	$38.00		$1,368.00
Total	$1,637.00	each	$58,932.00

Presently 36 vehicles need fare boxes

Total	$58,932.00	
	$2,800.00	estimated installation charge
Total	**$61,732.00**	

Coin Counter	**$500.00**	
Staff Cost	$208.00	per week for supervisor to pull boxes (2.0 hours per day @ 20.80 per hour)
	$422.70	per week for supervisor and Admin Asst to verify/count/perpare deposit
	$88.30	per week for Admin Asst to take to bank
Total per week	$719.00	to process fares
Total annual cost	**$37,388.00**	

Amount of Bank fees for separate account

North Central Regional Transit District (NCRTD)

Resolution 2011- 15

A RESOLUTION PROVIDING FOR THE CONTINUATION OF RESOLUTION 2010-09 TO ELIMINATE FARES FOR ALL FIXED ROUTES AND PARATRANSIT UP TO THREE FOURTHS OF A MILE FROM FIXED ROUTES OPERATED BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT.

WHEREAS, the North Central Regional Transit District ("District") provides public transportation or coordinates with public transportation providers in a four county area; and,

WHEREAS, continuing a free fare will extend promotion of increased fixed route and paratransit ridership; and,

WHEREAS, increased ridership will continue to reduce the number of cars on the District's roadways decreasing traffic congestion; and,

WHEREAS, fewer vehicles on the District's roadways will continue to reduce harmful environmental effects of automobile use; and,

WHEREAS, free fares will continue to offer an attractive alternative to driving individual and single occupancy vehicles; and,

WHEREAS, bus drivers would be able to continue focus on driving rather than the collection of correct fares, and would provide greater customer service.

NOW, THEREFORE, BE IT RESOLVED that the North Central Regional Transit District Board of Directors hereby eliminates fares on all fixed routes and paratransit up to three fourths of a mile from fixed routes operated by the North Central Regional Transit District from January 1, 2012 to December 31, 2013.

PASSED, APOPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 2ND DAY OF DECEMBER 2011.

_____

Rosemary Romero, Chair

Approved as to form:

_____

Peter Dwyer, Counsel

Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: December 2, 2011

Agenda Item # E

Title: Resolution 2011-16: A Resolution Requesting the Rio Metro Regional Transit District to Provide a Board Seat to the North Central Regional Transit District

Prepared By: Anthony J. Mortillaro, Executive Director

Summary: This resolution requests that the Rio Metro District consider adding a voting member seat to their Board for an NCRTD member.

Background: In February 2009 the NCRTD entered into an agreement with the Rio Metro Regional Transit District to provide them with one sixteenth of one percent of the regional gross receipt's transit tax levied in Santa Fe County to be dedicated to provision of rail transportation service (Rail Runner). This revenue has approximated $1.8 million for FY 2011. The distribution of this revenue generated from the Santa Fe County area is authorized by NCRTD Resolution 2008-11 which represents the NCRTD's agreement with Santa Fe County. Due to the most recent revenue and operating challenges experienced by the Rail Runner and considering the financial investment by the District there has been some interest in discussing with Rio Metro the possibility of having an NCRTD representative on their Board. Board representation will ensure that the NCRTD will have a voice in the decisions that are made regarding the Rail Runner and that impact North Central New Mexico. For the past several months the NCRTD Executive Director has participated as a member of the Rio Metro Regional District Task Force that was created to assist in addressing both short and long-term funding issues related to the Rail Runner.

In addition, the Santa Fe Metropolitan Planning Organization has also submitted a letter to the Rio Metro District requesting membership. The outcome of this request is unknown.

Recommended Action: It is recommended that the Board move for passage of Resolution 2011 - 16

Options/Alternatives: As an option the Board may consider not approving the attached resolution and requesting that staff attend and monitor the meetings of the Rio Metro District or modify the resolution requesting that the NCRTD be provided with an Ex Officio seat on the Rio Metro Board.

Fiscal Impact: Minimal and related to staff time and travel costs.

Attachments:

Resolution 2011- 16

North Central Regional Transit District ("NCRTD")

Resolution 2011-16

A RESOLUTION REQUESTING THE RIO METRO REGIONAL TRANSIT DISTRICT TO PROVIDE A BOARD SEAT TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT

WHEREAS, the NCRTD was created through an intergovernmental agreement pursuant to the Regional Transit District Act, NMSA 1978, Sections 73-25-1 *et seq.* (chapter 65, signed March 21, 2003)(hereinafter referred to as "the Act"); and,

WHEREAS, the Rio Metro Regional Transit District was also created pursuant to the Regional Transit District Act; and,

WHEREAS, both entities are political subdivision of the State of New Mexico; and,

WHEREAS, both entities executed an Intergovernmental Agreement in February 2009 and April 2009 providing the Rio Metro Regional Transit District, as the managing agency, funds equivalent to the revenue raised by a one sixteenth of one percent Gross Receipts Transit Tax levied in Santa Fe County to fund the operation of the Rail Runner; and,

WHEREAS, the NCRTD having evaluated its relationship with Rio Metro Regional Transit District, its funding contribution and the importance of the Rail Runner to the North Central New Mexico regional economy requests that the Rio Metro Regional Transit District provide a role for the NCRTD in making decisions which may impact the NCRTD.

NOW, THEREFORE, BE IT RESOLVED by the NCRTD, that this resolution be conveyed to the Chair of the Rio Metro Regional Transit District requesting an appropriate role for the NCRTD in the Rio Metro Regional Transit Districts decision making process, inclusive of a membership seat on the Board of Directors.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 2nd DAY OF DECEMBER 2011.

_____

Rosemary Romero, Chairwoman

Approved as to form:

_____

Peter Dwyer, Counsel

Agenda Report
NCRTD Board of Directors Meeting
Meeting Date: December 2, 2011

Agenda Item # F

Title: Discussion of possible new membership and direction and possible action by the Board

Prepared By: Anthony J. Mortillaro, Executive Director

Summary: Recently the Executive Director, Santa Fe Commissioner Daniel Mayfield and Santa Fe County Intergovernmental Liaison Hutch Miller meet with the Governor of the Nambe Pueblo and the Nambe Tribal Administrator regarding Nambe's interest in service and membership in the NCRTD. Staff is seeking Board direction regarding Nambe's request and the informal request by the Village of Chama.

Background: In August 2010 membership interest was expressed by the Village of Chama. At that time the Board discussed this matter and directed the staff to submit to the Mayor of Chama a letter requesting additional information that the Board could use to ascertain the Village's interest. Based upon discussions with the NCRTD Staff a response was not received to the letter (see attached letter and minutes from the August Board meeting). However, several months ago the Mayor of Chama at an Eight Northern Pueblo's Regional Planning Organization meeting brought up the topic of membership again.

On November 9, 2011 a meeting took place with Nambe Governor Ernest Mirabal and Carol Woods, Tribal Administrator. At this meeting Governor Mirabal expressed interest in the Nambe Tribe becoming a member of the NCRTD. The discussions at the meeting focused on the Nambe Pueblo's interest in having transit services for their members, benefits of being a NCRTD

member, proximity of existing services and possible adjustment of the Pojoaque Route to provide some limited adjacent service to the Pueblo at the entrance to NP 101 and the provision of information that the Pueblo can distribute to their members regarding NCRTD services. In addition the Nambe representatives expressed concern that they and two other pueblos (Taos and Picuris) were not being included in the District. Staff informed the Nambe representatives that contact had been made in the past with the Nambe Pueblo and Taos Pueblo. Information as to whether the District staff had reached out to Picuris is not available. In addition, Staff agreed to contact Taos and Picuris to inform them of the District services.

The Board Bylaws, Intergovernmental Contract and State Statue are vague as to the process or solicitation of information for membership into the District. The basic requirements for adding members are:

1.) Public hearing by the proposed member.

2.) Public hearing by the Board.

3.) An affirmative vote by two thirds (2/3) of the voting units of the Board of Directors (IGC) and two thirds of the directors (NMSA 1978, Section 73-25-6 (C).

4.) Execution of a new amended IGC based on the vote.

Recommended Action: Staff is requesting Board discussion since the Statutes, Bylaws and Intergovernmental Contract are vague in respect to the process for changing the membership. However, staff is recommending that the Board authorize staff to submit a letter to the entity requesting membership to provide the information listed below. Requesting this information will allow the Staff and Board to assess the impact of additional membership upon operating and administrative costs and voting strength. In addition it would insure consistency in the type of information that will be requested of all entities seeking District membership. That information is as follows:

1. Provide records showing whether the applicant has held at least one public hearing on any proposal to join the NCRTD in accordance with Section 73-25-4 of the Act and whether the applicant has met all requirements for public notice of said meeting; and

2. A written application or letter requesting membership following the public hearing; and

3. The minutes of the public hearing; and

4. Existing local service plan for Transit Services in or around the Governmental Unit; and

5. Proposal for disposition of any facilities, real property, transit vehicles, transit system signs or other transit related property of the applicant specifically stating whether the property is to be retained by the applicant or conveyed to the NCRTD; and

6. Any information or maps identifying existing routes, services or facilities currently provided by or within the Governmental Unit; and

7. Any information regarding existing grants, taxes, and other revenues which the applicant has either sought, obtained or possesses that in any way relates to Transit Services and what if any portion of said revenues shall be dedicated to NCRTD uses; and

8. Any documents indicating what new or additional services the applicant intends to seek from the NCRTD along with a cost estimate of the services or in the alternative, a representation that no new or additional services shall be sought and for what period; and

9. A concise statement as to why membership on the Board would substantially advance the public interests in regional transit.

10. Demographic information on the population of the governmental unit indicating the County or Counties in which the populations reside.

Options/Alternatives: None at this time

Fiscal Impact: Unknown until a service plan and additional information from the entity requesting service is provided.

Attachments:

Chama Village Letter
Minutes from August 10, 2010 meeting
Membership section of the Bylaws, Intergovernmental Contract and State Statue
Memorandum from Basham and Basham dated October 7, 2009

RTD
SERVING NORTH CENTRAL NEW MEXICO

August 25, 2010

The Honorable Archie Vigil
P.O. Box 794
Chama, NM 87520

Dear Mayor:

Thank you for your continued interest in being a member of the North Central Regional Transit District. The board is currently updating the Inter-governmental Contract that addresses new membership. While the board proceeds with the process we would respectfully request the following items to be submitted to my office for consideration to the board for membership:

(a) Records showing whether the applicant has held at least one public hearing on any proposal to join the NCRTD in accordance with Section 73-25-4 of the Act and whether the applicant has met all requirements for public notice of said meeting; and

(b) A written application or letter requesting membership following the public hearing; and

(c) The minutes of the public hearing; and

(d) Existing local service plan for Transit Services in or around the Governmental Unit; and

(e) Proposal for disposition of any facilities, real property, transit vehicles, transit system signs or other transit related property of the applicant specifically stating whether the property is to be retained by the applicant or conveyed to the NCRTD; and

(f) Any information or maps identifying existing routes, services or facilities currently provided by or within the Governmental Unit; and

Rosemary Romero
Chair

Josette P. Lucero
Executive Director

Governmental
Board of Directors

City of Espanola

City of Santa Fe

County of Rio Arriba

County of Santa Fe

County of Los Alamos

County of Taos

Ohkay Owingeh

Pueblo of Santa Clara

Pueblo of Pojoaque

Pueblo of Tesuque

Pueblo of San Ildefonso

(g) Any information regarding existing grants, taxes, and other revenues which the applicant has either sought, obtained or possesses that in any way relates to Transit Services and what if any portion of said revenues shall be dedicated to NCRTD uses.

(h) Any documents indicating what new or additional services the applicant intends to seek from the NCRTD along with a cost estimate of the services or in the alternative, a representation that no new or additional services shall be sought and for what period; and

(i) A concise statement as to why membership on the Board would substantially advance the public interests in regional transit.

If you should have any questions regarding this information that has been requested, please feel free to contact me at 505-438-3257. We look forward to continue to provide transit services to the Village of Chama.

Sincerely,

Josette Lucero, Executive Director
North Central Regional Transit District

Cc Rosemary Romero, NCRTD Chair

North Central Regional Transit District
Board Meeting
Friday, August 20, 2010

1. CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date at approximately 9:00 a.m. by Chair Rosemary Romero at the New Mexico Association of Counties, 613 Old Santa Fe Trail, Santa Fe, New Mexico.

a. **Pledge of Allegiance**

b. **Moment of Silence**

c. **Roll Call**

Roll call indicated the presence of a quorum as follows:

Members Present:

Los Alamos County	Mr. Tony Mortillaro
City of Espanola	Councilor Robert J. Seeds
Rio Arriba County	Commissioner Elias Coriz
Ohkay Owingeh	Ms. Kateri Keevama
City of Santa Fe	Councilor Rosemary Romero, Mr. Jon Bulthuis
Santa Fe County	Ms. Penny Ellis-Green
Tesuque Pueblo	Mr. Larry Samuel
Taos County	Mr. Jacob Caldwell [telephonically]

Members Absent

Pojoaque Pueblo
San Ildefonso Pueblo
Santa Clara Pueblo

Staff Members Present

Ms. Josette Lucero, Executive Director
Mr. Jack Valencia, Transit Project Manager
Ms. Cynthia Halfar, Executive Assistant
Mr. Mark Basham, Counsel for NCRTD

Others Present
Mr. Andrew Jandáček, Santa Fe County
Mr. Greg White, NMDOT
Mr. Mitch Davenport, Facilities Manager

d. Introductions

Those present introduced themselves.

e. Approval of Agenda

Commissioner Coríz moved to approve the agenda as presented. Councilor Seeds seconded the motion and it passed by unanimous voice vote.

f. Approval of Board Meeting Minutes, July 30, 2010

Ms. Ellis-Green moved to approve the minutes of the July 30, 2010 Board meeting as presented. Chair Romero seconded the motion and it passed by unanimous voice vote.

g. Public Comments Regarding Transportation Items or Issues

There were no public comments.

2. ACTION ITEMS:

a. Approval of Resolution 2010-07 (Tabled 7/3/2010): Award of Bid for the Construction of the Jim West Transit Center

Ms. Lucero noted the resolution was in the packet that was presented at the last meeting. On July 30th they received a bid protest from the bid opening. There was plenty of discussion on July 30th. The Board asked staff to do the due diligence and bring a recommendation at this meeting. The bid protest was from DB Construction out of Albuquerque, protesting was on the other two companies' subcontractors.

So staff and Mr. Davenport did due diligence; made site visits to the companies and got all the information they could on it. The recommend today was to award the contract to R&M Construction. If approved, they could move forward.

Mr. Mortillaro noted that this resolution would make the award and asked if they had an award amount.

Mr. Basham said they knew what their bid was and what the budget was but the intent was to try to negotiate for a lower amount.

Mr. Mortillaro asked if the resolution could have a not to exceed number.

Ms. Lucero said that would be $1,183,465.

Mr. Mortillaro asked if that included GRT. He thought it was that amount plus GRT. Ms. Lucero agreed.

Mr. Valencia didn't have the amount but thought they could say not to exceed $1.3 million.

Chair Romero agreed.

Councilor Seeds was concerned since this company was not the lowest bidder and the Board needed to cover itself on that issue.

Chair Romero explained that this bidder met all the requirements. The lowest bidder had an unrealistic concrete price and was nonresponsive to all specifications. They promised a letter but it was never delivered.

Commissioner Coriz asked for clarifications. He wanted to make sure all the inspections had been done.

Mr. Davenport said they had all the engineers do a thorough investigation of the building, mechanicals and soils. As part of being sure, they took a core sample of the slab and opened up two walls and found they were sound. There were cross stress bars that they didn't expect so they had to make some change to the fenestration. With the soils inspection they knew what was needed to make sure it met the standards. The plumbing and electrical all had to come out and be redone.

The roof had some problems but they were patchable.

They were now doing asbestos and lead tests to know if remediation was needed.

It was a simple building and he was confident they had covered all the bases.

Mr. Valencia suggested that the amendment of up to $1.3 million be added on the last page after the comma "not to exceed $1.3 million."

Mr. Mortillaro moved to approve Resolution 2010-07 as amended with inclusion of "not to exceed $1.3 million. Councilor Seeds seconded the motion and it passed by unanimous roll call vote with Española, Los Alamos County, Ohkay Owingeh, Rio Arriba County, Santa Fe City, Santa Fe County , Tesuque Pueblo and Taos County voting in the affirmative and none voting against.

b. Approval of Resolution 2010-06 (Tabled 7/9/2010): Pojoaque Fares

Ms. Lucero said this resolution was requested by Santa Fe County through the RPA. They were providing a demand response service for students living in Rio Arriba County. The students currently paid a fare of $1.00.

Mr. Bulthuis arrived at this time.

Ms. Lucero explained that Santa Fe County said it cost $58,000 to provide the service and they just allocated $40,000 from the RPA budget and would ask to charge $3 per student to meet the budget.

Ms. Lucero said they were bringing it back because they were already transporting these students.

Chair Romero said she sent out a history of this effort and the ridership report by email to everybody. She didn't hear back from anyone. The RPA heard it again this week and they were running behind because the route restarted on July 1. She asked Ms. Ellis-Green to comment on that meeting.

Ms. Ellis-Green added that the RPA discussed it briefly and agreed to either charge $3 or cap the budget at $40,000. There were students who had transferred from one district to another and the district made clear that the district was not responsible for their transportation.

Chair Romero said the RPA agreed to pay up to $40,000 and the rate increase would allow that service to continue longer.

Mr. Mortillaro thought they were not trying to mimic a school bus route so anyone could ride this route. Ms. Lucero agreed.

Mr. Mortillaro asked how the difference would be made up if the fare was not approved.

Ms. Lucero said the NCRTD would have to stop service when the $40,000 was entirely spent.

Mr. Mortillaro asked if the Board could look at funds for it at that time.

Ms. Lucero said they could but they were constrained now.

Commissioner Coríz said they were accomplishing transportation for a select few. He wanted this to be open. If he had this available for his son it would be very helpful but he had to take his son to school every day. He hoped this Board supported that opportunity. He had discussed it with some students' parents. He would abide by the board's decision but want the Board to know there were others.

Councilor Seeds agreed with Mr. Mortillaro and Commissioner Coríz. They needed to do what they could to get these kids to the school of their choice. There were some line items that they cushioned a little bit. He favored continuing the fares at $1 and not at $3.

Chair Romero said the RPA used a consultant to look at all the routes for efficiency and what the routes provided. The RPA wanted to live within its means so they took a pencil to each of them. The consultant's matrix was the most affordable but to pay the overage was just not feasible. The difference in this route was looked at by staff. Their budget had already been approved. They could see where they

were with GRT revenues and if there was not enough, this resolution would assure the parents that they could continue to have the transportation provided that was needed. The goal was more services and as efficiently as possible. It was a fall back if the RPA had no other money. Perhaps they could change the line items but this was a protection.

Ms. Ellis-Green said in fiscal year 2010 it was predicted to cost $11,000 but in FY 11 it was predicted to be $51,000. If they didn't have a cap, it could by $71,000 next year. They had a discussion of having a fixed route and found it could not be done that way.

Commissioner Coriz asked if this route was designated for a select few or for everyone. If the RPA had decided who got charged he wanted to be clear about it before they voted on it.

Ms. Lucero said it was open to the general public. The majority of those riding were the students. Española had to schedule the ride for the Pojoaque schools, and make sure the fares were in pace. The destination had to be clear for a demand response route.

Ms. Ellis-Green said the RPA was paying just for the students. The resolution was for the students crossing a district boundary.

Mr. Mortillaro asked if there was any other demand response in place.

Ms. Lucero said it was for a 15 miles radius from Española and the NCRTD charged a $1 fare.

Mr. Mortillaro asked if the $1 was being subsidized. Ms. Lucero agreed it was.

Ms. Keevama thought this was some discrimination. She asked why she as a student was being penalized. That might come back and bite the Board.

Chair Romero explained that the $3 fare was for anyone riding on that route, not just students.

Mr. Mortillaro said it was not quite coordinating for him with the differential. If one dollar would not meet the costs, he suggested raising the rate to $2 for all demand response.

Ms. Lucero said she could come back with that.

Ms. Keevama asked if the RPA did a survey found some number of students that did ride.

Chair Romero referred to the back of the memo where the ridership report was presented.

Ms. Lucero said the route now was over the $40,000.

Chair Romero said she was hearing that more work was needed on this resolution and it should determine overall costs for demand response. She asked for a motion

Commissioner Coriz moved to table this resolution until the October 1 meeting.

Councilor Seeds asked if anyone brought up the idea that it be a regular route.

Ms. Lucero said they had and it would be a lot more expensive.

Ms. Keevama seconded the motion to table and it passed by unanimous voice vote.

3. DISCUSSION ITEMS:

A. Finance/Regional Coordination & Consolidation Subcommittee Report

Mr. Mortillaro said the Subcommittee had not met since the last Board meeting.

Ms. Lucero said the next meeting of the subcommittee would be September 17th. The last meeting was on July 30th and that was the discussion at that meeting.

Chair Romero said at their next meeting they would have the discussion of the local/regional issue. Mr. Bulthuis, Mr. Caldwell and Councilor Seeds were on the work group to consider it before the Committee would consider it.

b. Request from Village of Chama to Begin Discussion of Membership Opportunities with the NCRTD

Ms. Lucero announced that they made a presentation to the Village of Chama. The mayor attended the meeting at Los Alamos three months ago. Staff were asked to review the contracts for new members. The IGC addressed the issue but the Board had not made a decision on local versus regional or new members.

She would get back to the mayor at some time soon. She also heard this week that the Town of Taos was going to pursue membership in NCRTD.

Mr. Mortillaro said there were lots of criteria they had to consider for new members. He asked if they had already adopted that.

Ms. Lucero said they had not. She wondered if they could make those requirements of potential members.

Mr. Basham recommended against that. The Board would need to provide notice and then could adopt them with a two-thirds vote. They issued a memo on June 7 2009 on this issue and it should be reviewed first.

Mr. Mortillaro asked if staff could ask them for that information anyway as part of due diligence.

Mr. Basham explained that some of the criteria asked for a contribution but asking for present service. He thought some of it would be okay.

Commissioner Coriz asked if it would be in order to give some administrative authority to staff to get that information.

Mr. Basham noted that this was a discussion item. He offered to meet with Ms. Lucero and figure out

what was not too burdensome.

Councilor Seeds asked what the practice had been.

Mr. Basham said Taos County had a public hearing and wanted to join and the Board voted to let them join.

Councilor Seeds asked if they could we use that same procedure.

Ms. Lucero read the criteria from the original IGC. She said there were eight more potential members.

Councilor Seeds thought those areas were already getting some RTD service so they needed to come up with criteria.

Chair Romero reminded the Board that this was discussion only. They were still clarifying things. They could review the criteria and the expected GRT. They could tell the mayor they were still working on it. Staff and Mr. Basham could continue to work on it.

Ms. Lucero agreed to draft such a letter.

Mr. Basham asked if they had passed a resolution.

Ms. Lucero said they just discussed it. The Town of Taos wanted to join too and have the RTD take over their system and their budget.

Commissioner Coriz said the Town of Taos had actually asked to join and the Board voted on it. They had the opportunity but now that the federal dollars were going away, they needed help.

Ms. Lucero said they needed to determine what their financial commitment would be.

Mr. Mortillaro thought they should treat Chama the same way.

Councilor Seeds said they also needed to share the criteria with anyone else who wanted to join.

Ms. Lucero felt the list they had was a great set of criteria and they just needed for the Board to take action.

Mr. Mortillaro pointed out that it required a change to the IGC that was a complicated process. He asked if there was a shorter way to do this.

Mr. Basham agreed to look at it to see what could be done. If it could, he would bring a resolution to the next meeting.

Mr. Mortillaro felt there shouldn't be any reason why the Board could not adopt the criteria.

Chair Romero summarized the discussion with a letter from Ms. Lucero and research by Mr. Basham.

4. MATTERS FROM THE BOARD

Councilor Seeds asked where the Subcommittee meeting on the 17th would be.

Mr. Mortillaro said they would meet at the NCRTD offices.

Chair Romero noted that the conflict of interest forms were sent out. Hector Balderas had a meeting on the issue. The take away for the City of Santa Fe was to form an audit committee to make sure they were doing everything they could. The conflict of interest form for NCRTD was drafted by Mr. Basham.

Chair Romero asked Ms. Halfar to send the draft form out for comments by September 10 and then the final form would be sent out when revised.

5. NEXT BOARD MEETING: FRIDAY, October 1, 2010 at 1:00 p.m.

Mr. Mortillaro offered to host the October 1 meeting in Los Alamos.

6. MISCELLANEOUS

There were no miscellaneous matters.

7. ADJOURNMENT

Councilor Seeds moved to adjourn the meeting. Commissioner Coriz seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 10:15 a.m.

Approved by:

Rosemary Romero, Board Chair

Attest:

Michael Wismer, Secretary

Minutes submitted by

(g) Accept real or personal property for the use of the District and accept gifts and conveyances upon the terms and conditions approved by the Board of Directors;
(h) Use the streets, highways, rail rights-of-way, and other public ways and, with permission of the owner, relocate or alter the construction of streets, highways, or other public ways, electric and telephone lines and properties, pipelines, conduits and other properties, whether publicly or privately owned, if deemed necessary by the District in the construction, reconstruction, repair, maintenance, and operation of the system. Any damage that may occur to the property shall be borne by the District;
(i) Sue and be sued.

Section 4.02. **Cooperative Powers.** The District may cooperate with a person/entity to:
(a) Accept legitimate contributions or liens securing obligations of the District from the person with respect to the financing, construction, operation, or maintenance of the transit system and, in connection with a loan or advance, enter into contracts establishing the repayment terms;
(b) Enter into contracts regarding the financing, construction, operation, or maintenance of the specified transit system;
(c) Enter into joint operating contracts concerning the transit system;
(d) Acquire easements or rights-of-way for the transit system;
(e) Designate a regional transit system as part of the State highway system, a County highway system, or a Municipal highway system if the person with jurisdiction over the applicable highway system consents to the designation.

Section 4.03. **Taxation.** The District has no direct taxation authority.

ARTICLE V
OFFICES

The principal office of the District shall be located within the geographical boundaries of the District and shall be designated by the Board of Directors. The District may have other offices at such other places within the State as the Board of Directors may from time to time determine. Board may add ex-officio members as needed.

ARTICLE VI
MEMBERSHIP

Membership in transit districts is open to governmental units, which means the State, a County or Municipality of the State, or an Indian Nation, Tribe, or Pueblo located within the boundaries of the State. The North Central Regional Transit District's original members may include any governmental unit (hereinafter, "Member") within or containing the boundaries of Los Alamos, Río Arriba, or Santa Fe Counties. Members may be added or deleted pursuant to Article VIII of these Bylaws and Section 73-25-17 of the Act.

ARTICLE VII
POWERS OF MEMBERS

A Member, for the purpose of aiding the financing, construction, operation, or maintenance of the transit system, may:

(a) Sell, lease, loan, donate, grant, convey, assign, transfer, and otherwise dispose to the District real or personal property or interests therein;

(b) Enter into agreements with a person for the joint financing, construction, operation, or maintenance of the transit system. Upon compliance with applicable constitutional or charter limitations, the Member may agree to make payments, without limitation as to amount except as set forth in the agreement, from revenues received from one or more fiscal years, to the District or a person to defray costs of financing, construction, operation, or maintenance of the regional transit system;

(c) Transfer to the District a contract that may have been awarded by the Member for the construction, operation, or maintenance of the transit system.

(d) Ex-officio members serve as advisors to the Board without voting powers.

ARTICLE VIII
ADDITION OR WITHDRAWAL OF TERRITORY AND PROPERTY

Section 8.01. **Joining the District**. After the creation of the District, a governmental unit adjacent to or contained within a governmental unit adjacent to, but not part of, the District may join the District as a Member and determine the territorial area to become a part of the District. A two-thirds (2/3) affirmative vote by the Board of Directors shall be required before the governmental unit may join the District.

Section 8.02. **Withdrawing from the District**. A Member of the District may withdraw from the District by adopting a resolution to withdraw. The Member shall withdraw its representative from the Board of Directors. Real property owned by the District within the boundaries of the withdrawing Member shall remain the property of the District. The provisions of withdrawal shall be negotiated and agreed to by the Board of Directors, the Member, and the Commission.

Section 8.03. **Inclusion or Exclusion of Property**. The Board of Directors may include or exclude property from the boundaries of the District, pursuant to Section 73-25-6 and Section 73-25-17 of the Act.

ARTICLE IX
BOARD OF DIRECTORS

Section 9.01. **Establishment of Powers.** The District shall be governed by a Board of Directors (hereinafter, the "Board") as described in the Act. The Board shall exercise and perform all powers, privileges and duties vested in or imposed upon the District. Subject to the exceptions in Section 73-25-5 of the Act, the Board may delegate any of its powers to an Officer or Agent of the Board.

Section 9.02. **Powers of the Board.** In addition to all other powers conferred by the Act, the Board may:

BASHAM & BASHAM, P.C.

MEMORANDUM
October 7, 2009

To: North Central Regional Transit Board
From: NCRTD Staff and Counsel
Re: Additional Membership

ISSUE: What is the process for changing Membership or boundaries of the District?

EXECUTIVE SUMMARY:

1. The NCRTD can add new members by Resolution with a two-thirds vote. Conditions can be imposed upon the addition of new members in the Intergovernmental Contract.

2. The NCRTD can add or subtract areas from its region by Resolution. The resolution needs a two-thirds vote and must be adopted after a public hearing. To add land that is not within a current Members jurisdiction requires approval of the city, county, tribe etc. that has jurisdiction in the area.

3. The Regional Transit Gross Receipts Taxes are completely independent of the Membership and depend upon the District boundaries.

4. Any Governmental Unit, whether it is a Member or not, can contract with the District to pay for regional transit system expenses or services.

5. A current Member can withdraw from the District but the terms of the withdrawal must be negotiated in a contract agreed to by the Board.

The Board should carefully consider its quorum requirements, logistics of a larger board the adequacy of the existing representation, and the adequacy of existing funding, prior to adding members or areas to the District or the District boundaries.

DEFINING THE ROLES:

The "Act" is the Regional Transit District Act. It is the "organic statute" meaning that it is the original source of all the NCRTD's authority. It uses the following terminology:

The "Board" is the combined representatives of the Members under the Act and the Intergovernmental Contract as described below.

The "District" means a regional transit district that is a political subdivision of the state created pursuant the Regional Transit District Act (note: the word District is usually used to describe the entity not the geographical region although the Act is inconsistent in its use of the term)

A "Governmental Unit" means the state, a county or a municipality of the state or an Indian nation tribe or pueblo located within the boundaries of the state. (note: this means that a Governmental Unit is any local or tribal government whether or not it is a Member of a District)

"Member" is not defined in the Act but is used to describe Governmental Units included in the District

"Directors" is not defined in the Act but is used to describe the representative of a Member to the Board.

The Act Requires that each Member of the District have at least one Director. It leaves open the possibility of multiple Directors for individual Members. Directors can be the designee of an elected official and can act on behalf of the Member at Board meetings on all matters except land purchases and bond issuances.

AUTHORITY FOR CHANGES:

The Act states that two or more Governmental Units "may create a district by contract." The contract creating the District in the case of the NCRTD is the "Intergovernmental Contract" (sometimes called the "IGC"). The Act requires that the contract include "establishment and organization of the board in which all legislative power of the district is vested", "boundaries of the district" "provisions for amending the contract" and "conditions required when adding or deleting parties to the contract." In summary, the Act provides the broad parameters of Authority for the District but it leaves much of the details to the Members who can implement changes by resolution or by amending the IGC.

1. Adding new Members.

The Act's provisions on adding new Members are a bit unclear due to the ambiguous use of the term District both to describe the entity and the region. It is further muddied by the terms of § 73-25-4 (B) (11) that states the IGC shall include "conditions required when adding or deleting parties to the contract pursuant to Section 18..." The use of the term "parties" instead of Members and the reference to Section 18 (which deals with matching funds) instead of Section 17 (which deals with adding or subtracting Members) makes the Act unclear. Furthermore, Section 17 is incorrectly titled "addition or withdrawal of territory by a district." even though it substantively deals with addition

and subtraction of Members. (Provisions regarding boundaries are actually in §73-25-6 (B) and (C)). All in all, I conclude that the controlling provisions on Members are actually §73-25-4 (B) (11) and § 73-25-17. These two provisions, read together, require the following. To add a member you have to change the IGC. The IGC should include any conditions the District wants to impose upon the admission of new Members. Any new Member must be "adjacent to" the existing District boundaries. The admission of the new Member requires a two-thirds vote of the Board and subsequent execution of a contract amendment or addendum to the IGC.

2. Changes to the Geographical Boundaries of the District.

The Board can add or subtract property from the geographical boundaries of the District by resolution upon a two-thirds vote of the Directors. The provisions regarding boundaries are contained in §73-25-6 (B) and (C). The boundaries can be changed without changing the IGC. The Board can include or exclude any areas covered by its current Members. For lands of non-Members the prior approval by the governing body of the Governmental Unit having jurisdiction is required. Any change to District boundaries requires a public hearing on the resolution. Changes to district boundaries can impact future tax elections under § 7-20E-23, NMSA 1978, but there is no provision of law permitting the change to a District's boundary to effectively negate a Regional Transit District tax already imposed by the electorate. Therefore the boundary change process would only impact future tax elections.

3. Taxing authority is independent of Membership and dependent on District boundaries.

The authority to impose the Regional Transit District Gross Receipts Tax is granted by § 7-20E-23, NMSA 1978. This is an entirely separate section of the law from the Act. The Act's only section dealing with taxes is §73-25-16 stating "a district has no **direct** taxation authority" clearly implying it has indirect taxation authority. Although § 7-20E-23 describes the initiation of the tax as a "request by resolution of the board of directors of a regional transit district" the "request" compels a majority of the governing body in every County within the District's boundaries to impose an identical tax ordinance. In reality the authority to impose the tax is with the electorate who vote on the tax and the statute simply provides a process whereby the Board can initiate and collect the tax through the counties. The tax is approved on a district-wide basis by the majority of the voters in the district. Although there is a temptation to look at the tax in terms of the Members (and particularly the counties since they are the conduit for the taxation) the taxes are authorized by the voters within the geographical boundaries of the District and the revenues belong to the District as an entity not to the counties or other Members within the district.

The taxes must be dedicated to the "purposes authorized by the Regional Transit District Act." These purposes are contained in § 73-25-2 and are very broad. Therefore, the allocation and use of the taxes is generally within the discretion of the Board so long as the taxes are being used for the purposes and under the powers authorized by the Act. However, the Act permits the District to further restrict its own exercise of powers in the

IGC and the Board has elected to Limit the District powers to "only finance, construct operate, and maintain, or promote Regional Transit Systems;" IGC, § 5.02 (a). This means that at present the District does not have authority to use the tax revenues for anything that does not constitute a "Regional Transit System." Furthermore, the District is expressly forbidden from funding or providing local services unless there is an agreement that the Member will pay the "fully allocated cost basis" IGC, §2.06(d).

4. The District can provide transit services both within and outside the District boundaries to Members and to non-Members.

The District has express authority to provide services both within and outside the District boundaries. (See § 73-25-6 (A) (6) and (10). And it is expressly authorized to enter into contracts with non-Members for delivery of regional transit services. §73-25-13 (B). This means that the District can work with other governmental entities on financing and providing regional transit services even if the entity does not have a Director on the Board. This provides an alternative to adding new Members to the Board. Services are however, restricted to regional transit services and reimbursement of local service expenses described above in section 3 of this memo.

5. Withdrawing as a Member.

The provision of the Act dealing with withdrawal of members is § 73-25-17. It should be noted that withdrawing as a Member only affects the Governmental Unit's right to have a Director and participate in the District decisions through representation on the Board. It does not impact the taxing authority of the District that is established by the District boundaries. Any member can withdraw at any time by resolution but the impact of withdrawing are: 1) loss of a Director and potential changes to the establishment and organization of the Board under the IGC; (i.e. the IGC provisions on proportional voting rights and Membership may need to be subsequently adjusted) 2) any geographical area within the former Member's jurisdiction that was not already within the District boundary will now require the approval of the former Member for inclusion in the District boundary; 3) and conditions already imposed upon withdrawing by the IGC pursuant to 73-25-4 (B) (11) may be imposed upon the former Member by contractual agreement prior to "deleting" them from the contract; 4) the District shall negotiate with the former Member on "provisions of withdrawal" (presumably those not already covered by the IGC) pursuant to § 73-25-17 (B).

POLICY RECOMMENDATIONS:

Any policy of the NCRTD is within the sound discretion of the Board. Staff makes these recommendations with the firm commitment to following Board direction and without any presumption as to the wishes of the Board.

1. Membership should be maintained at a level that ensures Board meetings will have a quorum, will ensure representation of the voters within the District, and will optimize the ability of the Board to provide regional transit services within the District.

If additional Governmental Units wish to work with the Board they can do so through contractual arrangements and need not become Members. The existing county Members have jurisdiction in all areas of the District except the areas of the tribal Members. Therefore, county Directors may serve as effective representatives of other Governmental Units within their counties.

2. The IGC should have express provisions regarding conditions for addition and Withdrawal of Members. At present the only provisions are those already set forth in the Act and a provision that "each ... member has executed the original Contract." See IGC §§ 2.04, 11.01, 11.02 and 11.04.

3. If the Board wants to be permitted to fund non-regional transit services with any of the tax money it receives or wants to provide local services for Members or non-Members under contract without receiving back the "fully allocated cost basis" of the transit service the IGA should be amended to reflect these changes.

4. Unless the Board wishes to impose taxes in counties outside the present District boundary there is little reason to change the District boundary. The boundary is primarily an area subject to taxing authority and an area of operation for planning purposes. But the NCRTD can provide transportation services outside the District boundary under the Act (though it is prohibited from doing anything but Regional Transit Services under the IGC). The Board may however wish to change the District boundary for planning purposes or to clarify its area of operations.

NCRTD Regional Transit Gross Receipts Taxes Collected
Budget versus Actuals for Fiscal Year 2012 through September
Percent of Year - Budgeted One Month Collection; Three of 12 Months: **25.00%**

Entity	Date Received	Amount Collected		Month of Activity	Budget	% of Budget	Budget Variance
Los Alamos County	9/19/2011	130,017.53		2011-07		70.49%	-29.51%
	10/26/2011	215,860.60		2011-08		117.03%	17.03%
	Not Received	367,024.74	(1)	2011-09		198.99%	98.99%
		712,902.87			2,213,322.00	32.21%	7.21%
Rio Arriba County	11/14/2011	55,407.56		2011-07		116.95%	16.95%
	11/14/2011	58,813.99		2011-08		124.14%	24.14%
	Not Received	56,780.65	(1)	2011-09		119.85%	19.85%
		171,002.20			568,528.00	30.08%	5.08%
Santa Fe County	9/22/2011	341,716.87		2011-07		115.55%	15.55%
	10/20/2011	353,580.90		2011-08		119.56%	19.56%
	Not Received	344,672.28	(1)	2011-09		116.55%	16.55%
		1,039,970.05			3,548,688.00	29.31%	4.31%
Taos County	9/21/2011	65,693.15		2011-07		105.76%	5.76%
	10/20/2011	68,536.58		2011-08		110.34%	10.34%
	Not Received	64,462.09	(1)	2011-09		103.78%	3.78%
		198,691.82			745,391.00	26.66%	1.66%
Total Collected through September		2,122,566.94			7,075,929.00	30.00%	5.00%

(1) Revenue has not been received. Information was generated from N. M. Tax. & Revenue website.

North Central Regional Transit District
Summary Budget Comparison
From 7/1/2011 Through 10/31/2011

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Balance	Year to Date Budget Variance - 33%
REV	4452000	Federal Grants	2,654,582.00	602,280.82	(2,052,301.18)	22.7%
REV	4452001	Tribal Transit Grants	0.00	4,749.00	4,749.00	0.0%
REV	4455000	Member Local Match	679,173.00	0.00	(679,173.00)	0.0%
REV	4503000	Interest-Savings, Short-term CD	0.00	944.81	944.81	0.0%
REV	4545000	Tax Revenues	7,075,929.00	1,175,405.63	(5,900,523.37)	16.6%
REV	4641000	Advertising Sales	5,000.00	0.00	(5,000.00)	0.0%
REV	4642000	Insurance Proceeds	35,000.00	0.00	(35,000.00)	0.0%
REV	4643000	Miscellaneous Revenue	0.00	8,176.67	8,176.67	0.0%
REV	4649000	Charter Service Revenue	0.00	381.13	381.13	0.0%
REV	4721000	Fares	0.00	2,943.27	2,943.27	0.0%
TOTAL REVENUE			**10,449,684.00**	**1,794,881.33**	**(8,654,802.67)**	**17.2%**

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Balance	Year to Date Budget Variance - 33%
ADMINISTRATION						
EXP	6110105	Director	100,000.00	33,750.00	66,250.00	33.8%
EXP	6110110	Managers	65,936.00	22,824.00	43,112.00	34.6%
EXP	6110112	Financial Manager	63,726.00	27,171.58	36,554.42	42.6%
EXP	6110120	Accounting Staff	88,426.00	31,600.80	56,825.20	35.7%
EXP	6110125	Administrative Assistant	92,716.00	32,906.52	59,809.48	35.5%
EXP	6110150	Transportation Coordinator	63,726.00	22,053.60	41,672.40	34.6%
EXP	6110155	Public Works Director	79,222.00	27,417.60	51,804.40	34.6%
EXP	6110160	Marketing Manager	45,734.00	15,825.60	29,908.40	34.6%
EXP	6110165	Reserve for Leave Payouts	15,000.00	0.00	15,000.00	0.0%
EXP	6110180	Vehicle Allowance - Benefit	0.00	2,000.00	(2,000.00)	0.0%
EXP	6110205	FICA	45,861.00	15,911.18	29,949.82	34.7%
EXP	6110210	PERA	54,852.00	16,321.85	38,530.15	29.8%
EXP	6110215	Health Insurance	90,427.00	26,928.08	63,498.92	29.8%
EXP	6110220	Unemployment Insurance	6,844.00	509.32	6,334.68	7.4%
EXP	6110225	Workers' Compensation	8,692.00	5,535.84	3,156.16	63.7%
EXP	6110230	Other Fringe Benefits	10,047.00	3,475.96	6,571.04	34.6%
EXP	6110235	Miscellaneous Reserve	51,540.00	0.00	51,540.00	0.0%
EXP	6110290	Bank Service Charges	0.00	5.20	(5.20)	0.0%
EXP	6110295	Penalties/Interest	0.00	2,813.87	(2,813.87)	0.0%
EXP	6110315	Postage	2,000.00	600.21	1,399.79	30.0%
EXP	6110320	Telephone	15,000.00	2,297.70	12,702.30	15.3%
EXP	6110325	Cell Phone	4,560.00	1,474.15	3,085.85	32.3%
EXP	6110400	Contractual Services	151,100.00	30,649.68	120,450.32	20.3%
EXP	6110405	Audit	35,000.00	32,100.00	2,900.00	91.7%
EXP	6110410	Advertising	50,000.00	1,566.31	48,433.69	3.1%
EXP	6110415	Advertising-Other	5,000.00	213.92	4,786.08	4.3%
EXP	6110420	Contractual Services - Other	68,500.00	0.00	68,500.00	0.0%
EXP	6110425	IT Hardware/Software Support	6,000.00	1,999.00	4,001.00	33.3%
EXP	6110500	Dues and Subscriptions	6,100.00	1,415.00	4,685.00	23.2%
EXP	6110605	Equipment Rental	2,400.00	0.00	2,400.00	0.0%
EXP	6110610	Equipment Repair & Maintenance	2,500.00	0.00	2,500.00	0.0%
EXP	6110615	Computer Repair & Maintenance	6,000.00	3,201.38	2,798.62	53.4%
EXP	6110705	Property Insurance	8,294.00	8,294.00	0.00	100.0%
EXP	6110710	General and Employee Liability	4,263.00	4,263.00	0.00	100.0%
EXP	6110725	Vehicle Insurance	2,239.00	2,239.00	0.00	100.0%
EXP	6110750	Meals and Meeting Expenses	2,000.00	191.89	1,808.11	9.6%
EXP	6110805	Office Rent	19,200.00	9,600.00	9,600.00	50.0%
EXP	6110810	Utilities	5,000.00	1,064.42	3,935.58	21.3%
EXP	6110815	Janitor	3,426.00	1,947.36	1,478.64	56.8%
EXP	6110905	Drug and Alcohol Testing	300.00	0.00	300.00	0.0%
EXP	6111000	Printing	7,000.00	3,518.21	3,481.79	50.3%
EXP	6111105	Office Supplies	19,050.00	9,452.76	9,597.24	49.6%
EXP	6111110	Furniture & Equipment under 5K	15,000.00	13,899.00	1,101.00	92.7%
EXP	6111115	Janitorial Supplies	4,700.00	0.00	4,700.00	0.0%
EXP	6111200	Training	3,025.00	2,668.98	356.02	88.2%
EXP	6111305	Mileage	5,300.00	506.01	4,793.99	9.5%

North Central Regional Transit District
Summary Budget Comparison
From 7/1/2011 Through 10/31/2011

EXP	6111315	Per Diem	9,000.00	646.44	8,353.56	7.2%
EXP	6111320	Registration Fees	2,000.00	0.00	2,000.00	0.0%
EXP	6111330	Misc Expenses	0.00	80.61	(80.61)	0.0%
SUB-TOTAL ADMINISTRATION			**1,346,706.00**	**420,940.03**	**925,765.97**	**31.3%**

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Balance	Year to Date Budget Variance - 33%
OPERATING						
EXP	6110205	FICA	86,773.00	24,969.88	61,803.12	28.8%
EXP	6110210	PERA	103,789.00	27,743.53	76,045.47	26.7%
EXP	6110215	Health Insurance	182,700.00	60,459.47	122,240.53	33.1%
EXP	6110220	Unemployment Insurance	16,106.00	4,873.43	11,232.57	30.3%
EXP	6110225	Workers' Compensation	73,308.00	69,969.74	3,338.26	95.4%
EXP	6110230	Other Fringe Benefits	34,491.00	6,150.48	28,340.52	17.8%
EXP	6110705	Property Insurance	20,706.00	1,633.00	19,073.00	7.9%
EXP	6110710	General and Employee Liability	14,512.00	16,856.00	(2,344.00)	116.2%
EXP	6110715	Civil Rights	3,500.00	3,310.65	189.35	94.6%
EXP	6110725	Vehicle Insurance	74,425.00	50,017.83	24,407.17	67.2%
EXP	6111115	Janitorial Supplies	5,000.00	0.00	5,000.00	0.0%
EXP	6111305	Mileage	700.00	0.00	700.00	0.0%
EXP	6111315	Per Diem	1,300.00	672.02	627.98	51.7%
EXP	6200005	Operating Expense Transfer - Railrunner	1,774,344.00	518,572.94	1,255,771.06	29.2%
EXP	6200010	Operating Expense - Los Alamos County	1,415,186.00	0.00	1,415,186.00	0.0%
EXP	6200015	Operating Expense - City of Santa Fe	967,630.00	0.00	967,630.00	0.0%
EXP	6220105	Supervisors	139,568.00	29,952.00	109,616.00	21.5%
EXP	6220110	Drivers	881,306.00	267,225.90	614,080.10	30.3%
EXP	6220115	Driver Overtime	62,400.00	17,848.38	44,551.62	28.6%
EXP	6220120	Dispatcher	33,618.00	11,639.24	21,978.76	34.6%
EXP	6220125	Janitor	7,500.00	0.00	7,500.00	0.0%
EXP	6220130	Maintainer	40,794.00	14,544.00	26,250.00	35.7%
EXP	6220165	Reserve for Leave Payouts	25,000.00	0.00	25,000.00	0.0%
EXP	6220235	Miscellaneous Reserve	20,460.00	0.00	20,460.00	0.0%
EXP	6220305	Cell Phone	5,200.00	432.00	4,768.00	8.3%
EXP	6220320	Telephone	8,000.00	369.63	7,630.37	4.6%
EXP	6220605	Building Maintenance	10,000.00	279.61	9,720.39	2.8%
EXP	6220610	Maintenance Machinery & Equipment	1,500.00	110.00	1,390.00	7.3%
EXP	6220615	Utilities	22,500.00	2,186.84	20,313.16	9.7%
EXP	6220620	Furniture and Equipment	4,000.00	0.00	4,000.00	0.0%
EXP	6220630	Insurance/Snow Removal (MA Agora)	6,000.00	3,200.00	2,800.00	53.3%
EXP	6220705	Uniforms	10,000.00	0.00	10,000.00	0.0%
EXP	6220805	Shop Supplies	9,000.00	3,183.41	5,816.59	35.4%
EXP	6220810	Physicals	500.00	353.92	146.08	70.8%
EXP	6220900	Training	2,500.00	0.00	2,500.00	0.0%
EXP	6221105	Fuel	382,001.00	123,716.56	258,284.44	32.4%
EXP	6221110	Cell Tower Rental Fees	5,400.00	0.00	5,400.00	0.0%
EXP	6221115	Oil and Lubricants	17,000.00	2,790.70	14,209.30	16.4%
EXP	6221117	Hazardous Waste Disposal	4,000.00	0.00	4,000.00	0.0%
EXP	6221120	Replacement Parts	43,000.00	15,571.52	27,428.48	36.2%
EXP	6221125	Tires	28,000.00	7,632.83	20,367.17	27.3%
EXP	6221130	Vehicle Maintenance - Repair	92,000.00	23,798.48	68,201.52	25.9%
EXP	6221135	Painting	5,000.00	3,899.68	1,100.32	78.0%
SUB-TOTAL OPERATING			**6,640,717.00**	**1,313,963.67**	**5,326,753.33**	**19.8%**

Account Type	Account Code	Account Title	Original Budget	Year to Date Actuals	Remaining Balance	Year to Date Budget Variance - 33%
CAPITAL						
EXP	6330105	Buildings	976,990.00	472,429.73	504,560.27	48.4%
EXP	6330115	Furniture & Fixtures	89,109.00	0.00	89,109.00	0.0%
EXP	6330125	Other Capital Expenses	449,679.00	0.00	449,679.00	0.0%
EXP	6330135	Passenger Bus	870,062.00	771,069.96	98,992.04	88.6%
EXP	6330155	Bus Shelters	76,421.00	2,915.94	73,505.06	3.8%
SUB-TOTAL CAPITAL			**2,462,261.00**	**1,246,415.63**	**1,215,845.37**	**50.6%**

TOTAL EXPENDITURES			**10,449,684.00**	**2,981,319.33**	**7,468,364.67**	**28.5%**

North Central Regional Transit District (NCRTD)

Minutes from the Finance-Regional Consolidation and Consolidation Sub-Committee Meeting
October 28, 2011
9:00 am- 10:00 am
NCRTD Conference Room
Santa Fe, NM 87507

Members Present:
Jacob Caldwell (by phone), Taos County, NCRTD Finance Subcommittee Chair
Councilor Robert Seeds, City of Espanola
Anne Laurent, Los Alamos County (by phone)

Staff Present:
Anthony Mortillaro, Executive Director
Kelly Muniz, Financial Manager
Cynthia Halfar, Executive Assistant/HR Specialist, minutes taker

9:03 am Roll Call.

Item A: The NCRTD Travel and Business Expense Policy
Mr. Mortillaro explained that prior to the proposed policy, the NCRTD did not have a travel and business expense policy. There was a lack of consistency because reimbursements were based on the Department of Finance Administration's travel per diem rates or federal rates.

This policy allows for a flat per diem rate for expenses incurred by employees when traveling for the District. There is also a description of procedure for reimbursements for travel and other business expenses and a list of prohibited expenses. The policy contains guidelines for spousal travel and the combining of personal travel with business travel including a clear delineation between personal and business travel regarding reimbursements.

The policy presented is standard and common to many other entities. It is straightforward and has had staff input. The policy would apply to all staff as well as to Board members.

Ms. Muniz explained that the policy and the clearly outlined procedure would make it easier for the Finance department.

Councilor Seeds asked if it was consistent with the state's policy. Ms. Muniz answered that state employees could either be reimbursed by per diem rates or by actual (with receipts). It was much simpler to do per diem.

Councilor Seeds recommended leaving the option for reimbursement through actuals. He further suggested that all travel and business expenses be approved by the Board as a whole. This would discourage the abuse that occurred in the past.

Mr. Mortillaro said that the Executive Director's expenses are approved by the Chair and that was consistent with this policy and common to the practices of other entities. Employee expenses would be approved by the Executive Director. The Chair's expenses would be approved by the Board.

Councilor Seeds replied that he had knowledge of a previous Chair travelling without Board approval.

Mr. Mortillaro said that if that were the case, that could not occur with the presented policy. The full Board would have to approve travel in advance. Councilor Seeds suggested the subcommittee move on.

Ms. Laurent stated that the policy seemed reasonable and consistent with other policies.

Councilor Seeds asked if approval would need to be sought if funds for travel were already appropriated? Mr. Mortillaro replied, "yes", no matter if the funds were already set aside or which budget the funds came out of.

Mr. Caldwell pointed out that the expenses would occur with the use of sound judgment, and according to standards. As an aside, Mr. Caldwell asked if there was a provision for private airline mileage reimbursement, such as what the state has. Mr. Mortillaro replied "no".

Mr. Caldwell suggested that the subcommittee arrive at a consensus to bring the policy to the Board with a recommendation.

Councilor Seeds said he would like to bring it to the Board with no recommendation, even though he had no problems with it.

Mr. Mortillaro suggested the recommendation to the Board could include a statement noting no objections to the policy by the subcommittee, but that there were only three members present.

The subcommittee Chair agreed and moved to the next item.

Item B: Audit Results for FY 2010

Mr. Mortillaro passed the floor to Ms. Muniz.

Ms. Muniz gave an overview of the findings. Three of the old findings have been resolved. She explained the feat that Finance has accomplished, there were three audits undertaken in nine months (with a small staff).

Mr. Caldwell suggested that Ms. Muniz go through the findings one by one from page 29 of the attachment.

Ms. Muniz explained that number one was for the audit being late. That was a repeat finding and was expected since the NCRTD has been behind in filing due to the City of Santa Fe (the NCRTD's fiscal agent and responsible party) being late beginning in 2007. This finding will drop off next year, when we meet the deadline this December.

Number two was regarding missing documentation. This was also based on the 2007 audit and will drop off next year.

Councilor Seeds asked if she had a list of what was missing. Ms. Muniz replied that she would provide that later for him.

Going down the list, Ms. Muniz explained that the third, fourth, and fifth findings related to segregation of duties. The NCRTD had only one staff member dedicated to Finance. That finding will be removed.

The sixth finding had to do with controls over maintaining the ledger. The previous Financial Manager did not set up a category for receivables so they were posted as cash. This is now fixed.

Lack of certifications of capital assets would be fixed as we now have an inventory system.

The finding regarding a lack of passwords would likewise be resolved.

The tracking of grants has been resolved.

The finding regarding the debit card will be a repeat finding because there was not proper tracking. The debit card has been destroyed, but it was used for part of 2011. The NCRTD has implemented the use of a p-card as an alternative, which is sound.

The findings regarding missing I-9 documentation will not be repeated.

The journal entries finding will be eliminated next year because there is now a process of review and signing before entries are posted.

The problem of revenue recording has been corrected as part of the ledger re-organization.

The new findings for FY10 included unauthorized salary increases (10-01). This finding will not be repeated.

The missing laptop (10-03) will be resolved through the filing of a police report. There was no business purpose for the mini-notebook missing and it has not been returned.

10-04 and 10-05 are attributable to a lack of travel policy. If the proposed policy is approved, these findings will not be repeated.

10-06 pertains to missing signatures that were overlooked by Finance. Since there is now additional staff in Finance, there have been no missed signatures.

Councilor Seeds asked if the checks had been cashed. Ms. Muniz replied that she would supply him with copies. Mr. Mortillaro pointed out that the checks were to regular vendors and were appropriate.

Ms. Muniz continued with 10-07, lack of cell phone policy. The District has recently implemented a cell phone policy so that finding would be resolved. Councilor Seeds asked for a list of staff with phones. Mr. Mortillaro gave a verbal list.

Mr. Caldwell asked if Ms. Laurent had any questions. Ms. Laurent replied that she thought Ms. Muniz was moving in the right direction. She asked if the FY 10 audit would be reviewed by the Board.

Ms. Muniz replied "yes" and that the auditor would be there to answer questions.

Mr. Caldwell asked how many repeat findings there were for FY11?

Ms. Muniz said there were repeats. Mr. Mortillaro explained that the audits overlapped mid audit year and that was the only reason for the repeats. Ms. Muniz said that Finance could not clean up since they overlapped.

Mr. Caldwell pointed out that the new findings seemed to apply to only one person. He asked if there was discussion that needed to take place within the Board.

Mr. Mortillaro replied that he did not think that was necessary. There were now controls in place. The District now has diligent staff and policies are followed. Discrepancies would now show up, due to procedures being tightened up. There will be a lot fewer findings from this point forward.

Mr. Caldwell asked if there were any red flags.

Mr. Mortillaro responded that the District looks good for FY11 other than the repeat findings already addressed. We have been told that there will be no new findings. For FY12 the repeats will be completely gone. The results should be almost stellar. Procedure is vastly improved with new policies. It is highly unusual to do three audits in nine months. We now are facing an additional audit from the state auditor because of the federal pass through funds. This will be the fourth audit this year.

The meeting ended at 10:00 am.

EXECUTIVE REPORT
For November 2011

EXECUTIVE

- Attendance in various NCRTD staff and subcommittee meetings, including Board, Finance, Task Force, and Tribal Subcommittee meetings
- Attended the MPO meetings and presented at the November RPA meeting in Santa Fe and at the RPO meeting in Nambe
- Executive Director met with the Governor and staff of Nambe for informational meeting along with other liaisons from Santa Fe County
- Executive Director met with new NCRTD Board member for orientation
- Executive Director met with Taos News and Rio Grande Sun regarding construction progress
- Met with Building Project Manager and contractor regarding issues with Jim West Center. Researched solutions and specialists for soil condition
- Attended NMRX Financial Sustainability Task Force meeting in Albuquerque
- Chair and Executive Director met with auditors regarding the final exit conference for the FY 10 audit
- Wrote letter of support for the Food Project (RDC)
- Procurement initiated for audio equipment for the Jim West Center
- Met with NCRTD drivers regarding various operational and personnel issues
- Review and revision of various NCRTD policies, including personnel, financial, marketing, and operational policies

FINANCE

- FY 2011 exit conference took place on November 22nd
- Budget under mid-year review
- Inventory recording and tracking initiated in all RTD offices

OPERATIONS

- Completed October Ridership Reports. Will be sending to the NCRTD Board and members and guests of the RPA
- Completed Annual cost allocation in progress for all routes
- Research begun on DOT/FTA checklist of regulations and compliance items
- Research started on formation of Title VI, DBE, and EEO policies for the NCRTD
- Inventory taken of shelters, shelter components, bus stop signs, and poles
- Prepared presentation for DOT grant application meeting on November 2nd
- Met with Mike Kelly of Santa Fe Trails regarding information for route analysis of NCRTD funded routes
- Analysis of Ojo Caliente route conducted and additional stops added to accommodate a request from the public
- Working on a plan for more signage and schedule holders
- Procured contract for driver uniforms
- Conducted new driver interviews, background, and reference checks
- Operations Analyst attended Excel training
- Dispatcher attended the Professional Dispatcher Training
- Analysis begun on effects the new transit center will have on existing routes
- Procurement of additional radios and vehicle lift with capital funds
- Research initiated for procurement of repeater

MARKETING/ PUBLIC INFORMATION OFFICE

- Media advisories sent out for Veterans Day and Thanksgiving holidays
- Press release sent out regarding high ridership
- Reviewed and updated of routes and schedules on web site
- Research on Customer Service Policy
- Update and restoration of NCRTD website with tech support to repair technical difficulties to ensure accuracy, completeness, and ease of use for the public
- Updates to the NCRTD Public and Information Request Log to chart public and press requests and responses
- Research initiated on a method for riders to electronically plan and chart their transportation needs via various routes and connections
- Responded to various press queries and requests
- Research begun on customer service standards and rider satisfaction surveys.